

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

BENNIE JAMES JOHNSON, III,

Plaintiff,

v.

WARDEN BOBBITT, et al.,

Defendants.

CIVIL ACTION NO.: 6:20-cv-76

O R D E R

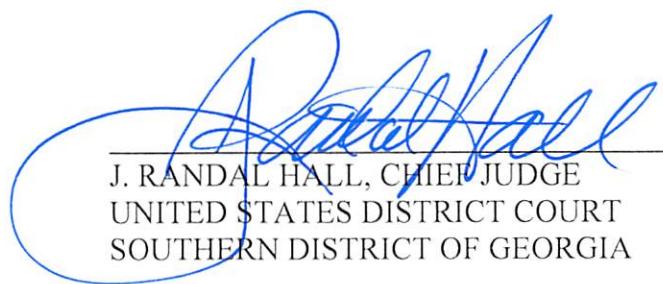
After an independent and de novo review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, doc. 9. Plaintiff did not file Objections to the Report and Recommendation.

Accordingly, the Court **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES** the following portions of Plaintiff's Amended Complaint:

1. Claims Number 2, 3, and 4 for "negligence" and violations of prison policy and procedure against Defendants Byrd, Carter, Hall, Hamilton, Howard, Johnson, Popovich, and unnamed officers;
2. Claim Number 5 for deprivation of property against Defendants Jordan and McCoin;
3. Claims Number 6 and 9, an Eighth Amendment claim for missing meals, against Defendants Carter and Howard;
4. Claims Number 8 and 12, which are conditions of confinement claims, against Defendants Byrd, Carter, Howard, Johnson, and Lejet;
5. Claims Number 10 and 11, Eighth Amendment conditions of confinement claims related to Tier II segregation, against Defendant Johnson;
6. Claim Number 14 against Defendant Johnson; and

7. Claims against Defendants Deputy Warden of Care, Jackson, and Dasher. Id. at 1–2. However, Plaintiff's: 1) Claims Number 1 and 7, a procedural due process claim concerning Plaintiff's assignment to Tier II, asserted against Defendants Byrd, Lejet, Johnson, Smart, and Bobbitt; and 2) Claim Number 13, an Eighth Amendment claim, against Defendant Johnson remain pending. Id.; Doc. 10. To be clear, the only remaining Defendants are Defendants Byrd, Lejet, Smart, Johnson, and Bobbitt.

SO ORDERED, this 2nd day of February, 2021.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA